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MILLBURN, NJ 07041

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OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No. 09/730,177 :
Filed: December 5, 2000 :
Attorney Docket No. SO-405 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 4, 2005, to withdraw the holding of abandonment. The petition was recently forwarded to this office for consideration.

The petition is **dismissed**.

This application became abandoned for failure to timely reply to the final Office action mailed May 21, 2004. Accordingly, this application became abandoned on August 22, 2004. A Notice of Abandonment was mailed on December 1, 2004.

Petitioner contends the Office action was never received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993) and MPEP 711.03(c).

The required copy of the docket record where the non-received Office communication would have been entered had it been received and docketed and referenced in practitioner's statement has not been submitted. As such, the petition must be dismissed.

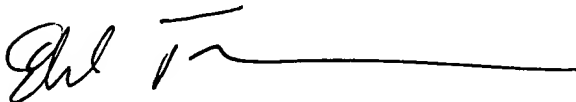
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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Telephone inquiries concerning this matter may be directed to the undersigned at
(571) 272-3228.

A handwritten signature in black ink, appearing to read 'Ed T', followed by a long horizontal line extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy